## REMARKS

In the Office Action dated September 13, 2004, the previous examiner, Examiner Osele, imposed a restriction requirement under 35 U.S.C. §121 against claims 1-16 and required that an election be made between one of the following groups:

| | |
|---|---|
| Group I | Claims 1-5, 8-10 and 15-16, drawn to a method of making mouldings from cellulose pulp; and |
| Group II | Claims 6-7 and 11-14, drawn to a mixing and extruding apparatus. |

Applicants requested that Group II drawn to the apparatus claims be examined. Further, applicants requested, that when the apparatus claims were found allowable that the method claims be examined. This is proper in accordance with Office guidelines recited in MPEP Section 821.04, which states that elected apparatus claims, found to recite patentable subject matter, may be rejoined with the provisionally withdrawn method of use claims and examined in this one application provided the method of making or use claims recite limitations corresponding to those found to be patentable during examination of the elected invention. As such, applicants have amended the method claims so that they recite all the limitations of the apparatus claims and request that the method claims will be rejoined and examined when the apparatus claims 6-7 and 11-14, drawn to a mixing and extruding apparatus are found to recite patentable subject matter.

With this expected rejoining of the method claims, applicants have amended the abstract but have not removed text relating to methods of use for the device.

## Rejection of Claims and Traversal Thereof

In the October 22, 2004 Office Action:

claims 13 and 14 were rejected under 35 U.S.C. §112, second paragraph; and

claims 6-7 and 11-14 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-13 of copending Application No. 10/070,624 in view of WO 94/28212.

These rejections are traversed and reconsideration of the patentability of the pending claims is requested in light of the following remarks.

**Rejections under 35 U.S.C. §112, second paragraph**

Claims 13 and 14 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants amended claims 13 and 14 thereby obviating this rejection, and as such, request the withdrawal of this rejection.

**Rejection Under the Judicially Created Doctrine of Obviousness-Type Double Patenting**

Claims 6-7 and 11-14 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-13 of copending Application No. 10/070,624 in view of WO 94/28212. The rejection of claims 6-7 and 11-14 with respect to copending Application No. 10/070,624 has been obviated by the terminal disclaimer enclosed herewith (Appendix A), terminally disclaiming the terminal portion of the term of any patent granted on this application that extends beyond the term of U.S. Patent Application No. 10/070,624.

Clearly, the secondary reference WO 94/28212 is usable only for transparent solutions and the system described therein only periodically measures the solution as it flows into the extruding device. Further, all measurements are related to optical properties. As such, this secondary reference does not describe, teach or suggest applicants' claimed invention. In light of the fact that the secondary reference does not establish a *prima facie* case of obviousness, and the primary reference is removed due to the enclosed terminal disclaimer, applicants request that the rejection of claims 6-7 and 11-14 be withdrawn.

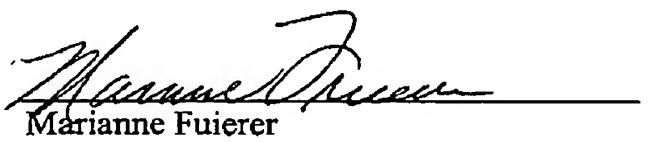
**Fees Payable**

Applicants have submitted herewith a Terminal Disclaimer and a credit card form in the amount of $130.00 for entry of this Terminal Disclaimer. In the event, an additional fee is found due for entry of this amendment, such fee or amount is hereby authorized to be charged to Deposit Account 08-3284 of Intellectual Property/Technology Law.

## Conclusion

Applicants have satisfied the requirements for patentability. All pending claims are free of the art and fully comply with the requirements of 35 U.S.C. §112. It therefore is requested that Examiner Del Sole reconsider the patentability of all pending claims, in light of the distinguishing remarks herein and withdraw all rejections, thereby placing the application in condition for allowance. Notice of the same is earnestly solicited. In the event that any issues remain, Examiner Del Sole is requested to contact the undersigned attorney at (919) 419-9350 to resolve same.

Respectfully submitted,



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